

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**ANTHONY L FREY**

Claimant,

and

**MERCY HOSPITAL**

Employer.

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**HEARING NUMBER: 11B-UI-15729**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**N O T I C E**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.4-3, 96.4-6**

**D E C I S I O N**

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

We note for the Employer that it may be relieved of charges in this case based on two provisions of the law.

First, a contributory employer is relieved of charges during the period of Department Approved Training under Iowa Code §96.4(6). Second, "if the individual to whom the benefits are paid is in the employ of a base period employer at the time the individual is receiving the benefits, and the individual is receiving the same employment from the employer that the individual received during the individual's base period,

benefits paid to the individual shall not be charged against the account of the employer..” Iowa Code §96.7(2)(a)(2)(a). This exclusion applies to both contributory and reimbursable employers. If the Employer receives a statement of charges showing charges made to its account based on the Claimant’s claim, the Employer may wish to apply for relief from those charges under either or both of these provisions.

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John A. Peno

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Monique F. Kuester

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Elizabeth L. Seiser

RRA/fnv